

REMARKS

Claims 1-20 are all the claims pending in the application. Applicants hereby amend the specification to recite the PCT parentage information. No new matter is added.

Applicants respectfully request that the Office acknowledge Applicants' claim for priority, and receipt of the certified copy of the priority document from the International Bureau. This application is a 371 National Stage Entry application of PCT/JP2004/000017, filed January 7, 2004. As indicated in the Notice of Acceptance of Application, Applicants have completed all requirements pursuant to 35 U.S.C. § 371 as of September 27, 2006.

I. Parentage

The Examiner requested that Applicants amend the specification to include the parentage of the instant application. The Office Action indicated (see page 2) that the first line of the specification should recite the parent PCT information.

Applicants have amended the specification hereinabove to include the PCT parentage information.

II. Rejection under 35 U.S.C. § 112, Second Paragraph

Claims 1-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office Action asserted that the recitation, "allergen suppressing component" in claim 1 is unclear because the term is not defined, and the Examples at page 5, lines 7-32, are not definitions.

Applicants respectfully traverse the rejection and direct the Office's attention to, for example, page 10, lines 9-30 of the instant specification. This passage of the specification clearly describes the metes and bounds of "allergen suppressing component," i.e., a component

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appl. No. 10/585,305 (Q95395)

suppressing an allergen can be any component so long as it is a "component which inactivates an allergen by modifying the allergen or the like, and can suppress the antigen-antibody reaction." Several exemplary components are also listed, including certain botanical extracts and certain salts. The specification further notes that a preferable component would be solid at room temperature and have the ability to become sticky.

In view of the foregoing, claims 1-20 comply with 35 U.S.C. § 112, second paragraph. Withdrawal of the rejection and allowance of claims 1-20 are earnestly solicited.

III. Rejection under 35 U.S.C. § 103(a)

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nonomura et al (U.S. Publication No. 2005/0197319).

The instant application is a National Stage application arising from PCT/JP04/00017. According to the Notice of Acceptance of Application, the U.S. Patent and Trademark Office received a copy of the International Application, and an English translation thereof, on September 27, 2006. Accordingly, Applicants have properly claimed benefit of the filing date of PCT/JP04/00017, and thus should obtain benefit of the January 7, 2004 filing date of PCT/JP04/00017.

In contrast, Nonomura et al was filed January 31, 2005. Nonomura et al is a Continuation-In-Part of U.S. Patent Application No. 10,519,474, filed December 28, 2004. U.S. Patent Application No. 10/519,474, is a National Stage application of PCT/JP03/008390, filed January 2, 2003. PCT/JP03/008390 was published as WO 2004/005423 *in Japanese* on February 15, 2004.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appl. No. 10/585,305 (Q95395)

Hence, because WO 2004/005423 was published only in the *Japanese* language, the requirements for obtaining a 35 U.S.C. § 102(e) reference date have not been met, and PCT/JP03/008390 does not obtain a 35 U.S.C. § 102(e) reference date as of its filing date of January 2, 2003.

Additionally, because WO 2004/005423 was published on a date after the January 7, 2004, filing date of the instant application, WO 2004/005423 does not qualify as prior art under 35 U.S.C. § 102(a).

For at least the foregoing reasons, present claims 1-20 are patentable. Withdrawal of the rejection and allowance of claims 1-20 are earnestly solicited.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The U.S. Patent and Trademark Office is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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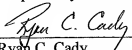
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Respectfully submitted,



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